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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,666	11/19/2001	Timothy P. Blair	10013014-1	8495

7590 07/26/2006  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

REFAI, RAMSEY

ART UNIT PAPER NUMBER

2152

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/992,666

Applicant(s)

BLAIR ET AL.

Examiner

Ramsey Refai

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 2152

DETAILED ACTION

*Response to Amendment*

1. Responsive to Amendment received on May 22, 2006. Independent claims 1, 6, and 20 have been amended. Claims 1-11 and 20-23 remain presented for examination.

*Response to Arguments*

2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mercier et al (U.S. PGPUB 2003/0005119) in view of Carney et al (U.S. Patent No. 6,615,161).

5. As per claim 1, Mercier et al teach a method for configuring data communication paths between a central controller and a plurality of devices via a plurality of appliances, the method comprising:

ensuring one or more appliances of the plurality of appliances (devices in path) are active where an applicant is a computer remote from the central controller (paragraphs [014-015, 0040, 0044];

for each of the devices, determining communication capabilities with the one or more appliances to determine communication paths between the plurality of devices and the one or more appliances (paragraph 00[44]);

Art Unit: 2152

transmitting signals indicative of the communication capabilities to the central controller (paragraph [0040-0041]; and

mapping respective communication paths between the central controller and the devices via the one or more appliances as a function of the communication capabilities to obtain an automatic appliance failover to allow diagnostic data to be collected from a selected device by way of multiple appliances (paragraphs 0014, 0015).

6. Mercier et al fail to explicitly teach an appliance configured to collect diagnostic data from one or more printing devices and to transmit the diagnostic data to the central controller.

7. However, Carney et al teach that status of printers are collected either by a management device, which periodically polls the printers for status information or by a printer notifying a management station on its status (column 1, lines 25-62). It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of Mercier et al and Carney et al because doing so would create a failover system for collector devices that collect diagnostic information from printers in order to provide an alternate path to obtain diagnostic data from a printer if the primary collector fails.

8. As per claim 2, Mercier et al teach:

for each of the devices, identifying an optimal path between the appliance and the device; and wherein the mapping includes: mapping the respective communication paths between the central controller and the devices as a function of the optimal paths (paragraph [0014-0015, 044]).

9. As per claim 3, Mercier et al teach the identifying includes at least one of: determining one of a plurality of paths between the a selected appliance and the a selected device having a least number of hops; and determining one of a plurality of paths between the selected appliance and the selected device achieving a shortest communication time (paragraph [0014-0015, 044]).

Art Unit: 2152

10. As per claim 4, Mercier et al teach:

for each of the devices, determining a second communication capability between a second appliance and the device; transmitting signals indicative of the second communication capabilities to the central controller; and wherein the mapping includes: mapping the respective communication paths between the central controller and the devices via the first and second appliances as a function of the first and second communication capabilities (paragraph [0010, 0014, 0015, 0044]).

11. As per claim 5, Mercier et al teach substantially balancing respective device loads across the appliances (paragraphs [0039, 044]; load balancing).

12. Claims 6-11 and 20-23 contain similar limitations as claims 1-5 above, therefore are rejected under the same rationale.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are cited in the Notice of Reference Cited form (PTO-892),

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2152

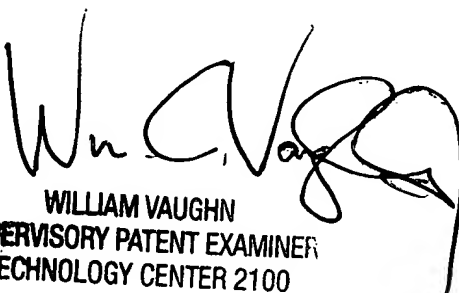
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai  
Examiner  
Art Unit 2152  
July 23, 2006



WILLIAM VAUGHN  
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